

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MARK NOENNIG**, on February 1, 2001 at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Mark Noennig, Chairman (R)
Rep. Rod Bitney, Vice Chairman (R)
Rep. Jeff Mangan, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Eileen Carney (D)
Rep. Larry Cyr (D)
Rep. John Esp (R)
Rep. Hal Jacobson (D)
Rep. Rick Laible (R)
Rep. Jesse Laslovich (D)
Rep. Bob Lawson (R)
Rep. Michelle Lee (D)
Rep. Brad Newman (D)
Rep. William Price (R)
Rep. James Whitaker (R)
Rep. Cindy Younkin (R)

Members Excused: Rep. Dennis Himmelberger (R)
Rep. Ken Peterson (R)

Members Absent: None.

Staff Present: Eddye McClure, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 62, 2/1/01
Executive Action: HB 190, HB 30

HEARING ON HB 30

Sponsor: Rep. Gary Matthews, HD 4, Miles City

Proponents: none

Opponents: none

Opening Statement by Sponsor:

Rep. Gary Matthews, HD 4, Miles City, stated that HB 30 is a short bill dealing with the Law and Justice Indian Affairs Unit. He would like to see the bill amended to say, "within the state" in two different spots, and would like to see someone add the Riverside Correctional Facility. *{Tape : 1; Side : A; Approx. Time Counter : 0 - 3}*

Proponents' Testimony: None

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: None

HEARING ON HB 62

Sponsor: Rep. Jeff Mangan, HD 45, Great Falls

Proponents: Joe Connell, 5th Judicial Dist., Chief Probation Officer
Barbara Monoco, 20th Judicial District
Sandy Oitzinger, Ex. Dir. Juvenile Probation Offices
Mary Sinnott, Cascade County

Opponents: none

Opening Statement by Sponsor:

Rep. Jeff Mangan, HD 45, Great Falls, stated that the bill deals with the juvenile probation officer salaries. They have been

looking at this proposed bill for about two years, since the end of the last session thru October of last year, trying to address the issue. This bill ties juvenile probation officer salaries to the maximum salary percentage of the district court judges' salaries. It places the cost of living with the salary adjustment, based on year of experience, and revises the salary for chief and deputy juvenile probation officers. Currently, the chief probation officer's salary is based on the 24-9 rule, which means the salary can be no lower than \$24,000/yr and no higher than \$29,000/yr. This bill attempts to change this statute. It will replace the 24-9 rule with a minimum salary of no less than 50% of the salary of the district court judge, and will be determined by the amount of experience an officer has. Each officer's experience varies from county to county; they can't take their longevity of experience with them if they move. This bill includes letting longevity travel with the probation officers when they move. 50% of each paycheck for the probation officers is funded by the state, the other 50% will be picked up by the county. If there isn't enough money in the reimbursement fund, then the county is responsible for picking up the rest of the payment. As a result, there is a fiscal impact(see fiscal note). **{Tape : 1; Side : A; Approx. Time Counter : 3 - 18.7}**

Proponents' Testimony:

Joe Connell, 5th Judicial Dist., Chief Probation Officer, stated they have been working towards resolving the salary issue since 1994. He wants to solve this problem for the probation officers so they won't have to keep returning to the legislature. Due to the lack of resources in many rural districts, the areas have become more dangerous. We have approximately 90 officers in the state, each of them taking on a very demanding position. He believes these men deserve serious recognition and consideration, whether is it through fiscal or corporate structure, therefore being in support of the bill.**{Tape : 1; Side : A; Approx. Time Counter : 18.7 - 27.3}**

Barbara Monoco, 20th Judicial District, said she is in support of HB 62. She has spent many hours with **Rep. Mercer** deciding what they need to do to ensure that probation officers are adequately funded, in their salaries for the kind of work they do. She is the kind of person who wants to change this statute. We need to be responsible for the services and not hold the counties responsible for all of the demands. There have been many jobs offered to probation officers that offer better salaries and less work in

other states, but because many have stayed in the state of Montana, they deserve the right sum of money for the job. It is time probation officers are told they are worthy citizens of Montana. The juvenile probation officers are required to have the highest of educational degrees, mandated to have 40 hours of training in their first year, and required to have an on going education. {Tape : 1; Side : A; Approx. Time Counter : 27.3 - 30} {Tape : 1; Side : B; Approx. Time Counter : 0 - 6.1}

Sandy Oitzinger, Executive Director of Juvenile Probation Offices, states that the association is solidly in support of the legislation. She stresses the longevity and portability the bill has to offer. After two years a probation parole officer makes \$28,350. The court which deals with constitutional rights creates problems with equity because it's high to the property tax base. If you were to have the district court assumed by the state, one thing that would happen is that the inequities would be corrected. If that doesn't happen, one way to produce more equity is by infusing funding into the court system through this bill. **EXHIBIT(loh26a01) EXHIBIT(loh26a02){Tape : 1; Side : B; Approx. Time Counter : 6.1 - 12.4}**

Mary Sinnott, Cascade County, stated that with the salary constraints our children do qualify for reduced rate lunches. {Tape : 1; Side : B; Approx. Time Counter : 12.4 - 13}

Opponents' Testimony: none

Questions from Committee Members and Responses:

Rep. Laible asked what the current rate is for district judges. **Rep. Mangan** replied that is about \$72,000 to \$76,000.

Rep. Lee asked how much in money and time will an officer benefit in the county. **Ms. Monoco** estimated in 4 1/2 to 5 years a 33% increase in pay should occur. Each officer is investing about \$500 just for the basic training.

Rep. Esp asked what the funds are, which are administered to probation officers, and where do they come from.

Rep. Mangan replied that the local government covers it, as well as the counties' general fund.

Rep. Noennig asked if the base salary of juvenile probation officers would be paid by the counties and the increases would be paid by the state. **Rep. Mangan** replied saying correct. **Rep. Noennig** asked if the fiscal note is based on the maximum pay. **Rep. Mangan** replied that it is higher than he expected, but doesn't

think counties would set everything at the maximum. He believes it would be lower. **Noennig** asked how you would compare the salary rate anticipated in the bill verses the ones considered in the other bill. **Mangan** replied that they didn't go into specifics on the bill, but more or less took the number of probation officers over a set number and came up with an appropriation. They would have to be state employees under the Supreme Court. **Rep. Noennig** asked if there was any amount of increase for this salary included in the governor's proposed budget. **Mangan** replied that he is unsure if it is.

Rep. Esp asked what would happen if every county paid the minimum. **Ms. Oitzinger** replied that she thinks if they were at minimum it would be about \$700,000 dollars a year. *{Tape : 1; Side : B; Approx. Time Counter : 13 - 24}*

Closing by Sponsor:

Rep. Mangan wanted to thank all who came to the hearing. As a member of the youth justice council we approved this. The testimony isn't about members, but about the work that the officers do for the state. He wanted to emphasize the commitment present in the work that they do. They have to hire from within, many of the workers make less than the chiefs. That is not equitable. *{Tape : 1; Side : B; Approx. Time Counter : 24 - 30}*

EXECUTIVE ACTION ON HB 190

Motion: **Rep. Younkin** moved that **HB 190 DO PASS**

Discussion:

Jim Edgcomb, Treasure State, states the money that the state provides is a form of a grant, so there is no repayment of what the state is contributing. It was set up specifically for the state to provide a share of the projects. The state will have to make up the difference, there should be sufficient funds to make up that difference. There are two projects that have been authorized when they created Montana's northcentral water system. The interest earnings on the plan should be sufficient to cover those two projects, including an additional 25% of the state funds.

Rep. Lawson asked if the money isn't granted what happens next. **Jim Edgcomb** replied that the funds would simply stay in the

regional water fund. When the fund terminates it goes back into the main trust.

Rep. Carney asked if the money they already spent went towards the water system. **Mr. Edgcomb** replied that the two systems are quite different in some respects. The north central regional water system is currently operating individually. They supply their own water and have their own distribution systems. With this project, they will be creating a central supply that will supply water to all of the systems. The Dry Prairie project is essentially creating a delivery system for towns that don't currently have a delivery system. *{Tape : 2; Side : A; Approx. Time Counter : 9}*

Motion/Vote: REP. YOUNKIN moved that HB 190 DO PASS. Motion carried 18-0. *{Tape : 2; Side : A; Approx. Time Counter : 9 - 9.5}*

EXECUTIVE ACTION ON HB 30

Motion: Rep. Esp moved that HB 30 DO PASS.

Discussion: None

Motion/Vote: REP. ESP moved that HB 30 BE AMENDED. Motion carried 16-0.

Motion: Rep. Mangan moved that HB 30 DO PASS AS AMENDED.

Motion/Vote: REP. MANGAN moved that HB 30 DO PASS AS AMENDED. Motion carried 16-0. *{Tape : 2; Side : A; Approx. Time Counter : 9.5 - 14.6}*

ADJOURNMENT

Adjournment: 5:30 P.M.

REP. MARK NOENNIG, Chairman

PATI O'REILLY, Secretary

MN/PO

EXHIBIT (loh26aad)